

REMARKS/ARGUMENT

Claims 1, 3, 5-7, 10-12, 21-25, 27-30, 31, 32 and 73 are allowable.

Claim 26 stands withdrawn.

Claims 2, 4, 8, 9, 13-20, 33-72 and 74-85 are canceled.

Claims 1, 3, 5-7, 10-12, 21-30, 31, 32 and 73 remain pending for consideration.

Claim 72 is indicated as allowable in the Official Action, yet this claim was withdrawn, as was its independent claim. Claim 73, which depends from an allowed claim, is not mentioned in the Official Action. Applicants assume the allowed claim was Claim 73, not Claim 72.

Claim 26 stands withdrawn, but depends from allowed Claim 21. Applicants respectfully ask that the restriction be removed and Claim 26 be re-entered and allowed with the other claims.

For the above reasons, Allowance of Claims 26 and 73 are requested.

Claims 63-68 and 77-79 stand rejected under 35 U.S.C. § 102(b) over newly cited U.S. Pat. No. 5,399,352. Although the rejections based on this reference are moot in view of the cancellation of Claims 63-68 and 77-79, Applicants wish to clarify the reason for cancellation of these claims. This case has been pending for a long, long time and, as a result, Applicants are being deprived of significant patent term. The cancellation is therefore not, in any way, to be viewed as an acquiescence in the reasons for rejecting the claims in the 12/01/08 Official Action. Rather, it is merely done to avoid additional prolongation of prosecution of Applicants' claims. The relevance of U.S. Pat. No. 5,399,352 to the pending claims is clear when its disclosure is compared to the claims, as interpreted by one of ordinary skill in the art.

Applicants filed in July, 2005 an Information Disclosure Statement (IDS). However, Applicants have not received any indication of whether these references were considered by the Examiner before claims were allowed in this case. Applicants kindly ask that an initialed copy of the Forms PTO-1449 submitted with the July 2005 filing be returned, to confirm that the record

will clearly reflect that the references A1-A18 and A1-A29 were considered by the Examiner.
For the Examiner's convenience, a copy of the July 2005 submission is enclosed.


In view of the above, Applicants respectfully request that a Notice of Allowance issue for Claims 1, 3, 5-7, 10-12, 21-30, 31, 32 and 73 and that this Notice of Allowance include the initialed forms PTO-1449 from July 2005, indicating that references A1-A18 and A1-A29 were considered before claims were allowed in this case.

Conclusion

In light of the foregoing claim amendments and remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

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